

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

)	
Conservation Law Foundation, Inc.,)	
)	
Plaintiff)	
)	
v.)	No. 1:17-cv-00396-WES-LDA
)	
Shell Oil Products US,)	
Shell Oil Company,)	
Shell Petroleum, Inc.,)	
Shell Trading (US) Company,)	
Motiva Enterprises LLC,)	
Triton Terminaling LLC, and)	
Equilon Enterprises LLC,)	
)	
Defendants.)	
)	

MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants Shell Oil Products US, Shell Oil Company, Shell Petroleum Inc., Shell Trading (US) Company, Motiva Enterprises LLC, Triton Terminaling LLC, and Equilon Enterprises LLC hereby move the Court to dismiss the following claims from Plaintiff Conservation Law Foundation, Inc.’s Third Amended Complaint (“TAC”), ECF No. 45:

- a. As to Defendant Motiva Enterprises LLC, all Causes of Action in the TAC; and
- b. As to Defendants Shell Oil Products US, Shell Oil Company, Shell Petroleum Inc., Shell Trading (US) Company, Triton Terminaling LLC, and Equilon Enterprises LLC:
 - i. Causes of Action 1-7, 9, 10, 21, and 22; and
 - ii. Causes of Action 13-15 to the extent they allege monitoring and reporting violations arising from Providence Terminal Outfall 003A.

Should the Court grant this Motion, only Defendants Shell Oil Products US, Shell Oil Company, Shell Petroleum Inc., Shell Trading (US) Company, Triton Terminaling LLC, and Equilon Enterprises LLC would remain in this case. The claims remaining against these Defendants would be Causes of Action 8 and 11-20. Causes of Action 13, 14, and 15 would also be limited to alleged violations of monitoring and reporting requirements that pertain to Providence Terminal Outfalls 001A and 002A.

Pursuant to LR Cv 7(a)(2), the grounds for this motion and supporting legal arguments are set forth in Defendants' attached Memorandum of Law.

Dated: October 11, 2019

Respectfully submitted,

Counsel for Defendants:

/s/ John S. Guttman

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CERTIFICATE OF SERVICE

I hereby certify that on October 11, 2019, the foregoing Motion to Dismiss was filed through the Court's electronic filing system ("ECF"), by which means the document is available for viewing and downloading from the ECF system and a copy of the filing will be sent electronically to all parties registered with the ECF system.

/s/ Bina Reddy
Bina Reddy